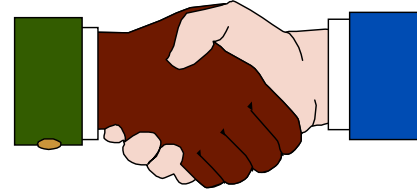


# REASONABLE ACCOMMODATION FOR EMPLOYEES WITH DISABILITIES



## WHAT IS REASONABLE ACCOMMODATION?

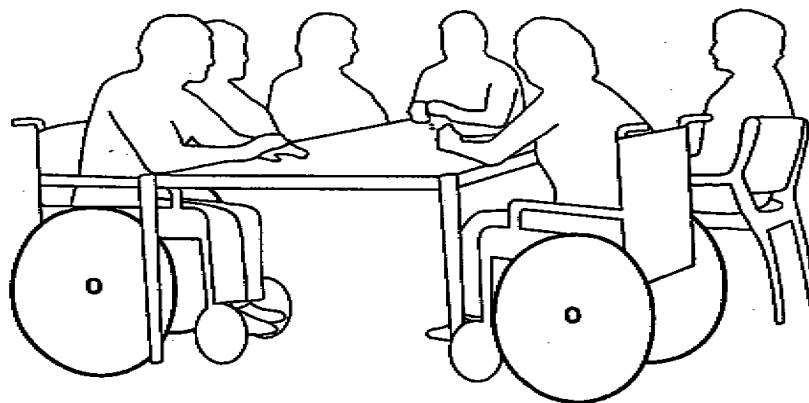
**Reasonable accommodation** is a modification or adjustment to a job, the work environment, or worksite practices, which enables a qualified individual with a disability to attain the same level of performance or to enjoy the same benefits and privileges of employment that are enjoyed by an employee without a disability.

Reasonable accommodation is a means by which barriers to employment opportunities are removed for an individual with a disability. These barriers may be:

- physical or structural obstacles that inhibit or prevent the access of an individual with a disability to job sites, facilities or equipment;
- rigid work schedules that permit no flexibility as to when work is performed or when breaks may be taken; or
- inflexible job procedures that unduly limit the modes of communication that are used on the job.

Reasonable accommodation applies to all employment practices and actions, including recruitment, examination and testing, hiring, training, disciplinary action, rate of pay or other compensation, advancement, reclassification, relocation, reallocation, promotion, demotion and benefits of employment such as professional development and employer-sponsored social functions.

## WHO IS ENTITLED TO REASONABLE ACCOMMODATION?



**"Individual with a disability"** means an individual who has a physical or mental impairment which substantially limits one or more of the person's major life activities, has a record of such impairment, or is regarded as having such impairment. A **"Qualified individual with a disability"** is a person who can perform the **essential functions** of a specific job, with or without a reasonable accommodation. Any

qualified individual with a disability, who is an employee or a candidate for employment, may request reasonable accommodation. A more detailed definition of “disability” can be found in the Disability and Communication Access Board’s Fact Sheet #ADA-11.

## **WHEN CAN REASONABLE ACCOMMODATION BE REQUESTED?**

Reasonable accommodation may occur in three phases of employment:

- 1) **In the application process**, to provide a qualified applicant with a disability with an equal opportunity to be considered for a specific job.

***Example:*** A qualified applicant may request a pre-employment test in large print, if the applicant has a visual impairment.

- 2) **In the performance of the essential functions of a job**, to enable a qualified person with a disability to perform the essential functions of the job being sought or of a job currently held. The employer is permitted to determine the applicant's qualifications for the essential functions using methods that may not screen out nor tend to screen out persons with disabilities. Reasonable accommodation must be provided to enable a qualified employee to perform the essential functions of a job.

***Example:*** An employee who uses a wheelchair may request that bricks be placed under the legs of his or her desk, so that his or her wheelchair will fit under the desk where the essential functions of the job are performed.

- 3) **In the receipt of all benefits of employment**, to enable an employee with a disability to enjoy benefits and privileges of employment equal to those enjoyed by other similarly situated employees without disabilities.

***Example:*** An employee may request that the annual company outdoor picnic be held in a location with accessible parking and an accessible route from parking to the general picnic area, including restrooms.

## **DETERMINING WHAT IS REASONABLE**



Any qualified employee with a disability may request an accommodation. However, the employer must provide only those accommodations, which are reasonable. Factors to consider in determining what is reasonable accommodation are determined on an individualized basis. An accommodation is determined to be reasonable if it permits the employee to perform the essential functions of the job, and if it does not impose an **undue hardship** on the employer’s operation of the business or program. However, the employer may not simply assert that a needed accommodation will cause undue hardship. The employer will have to present evidence and demonstrate that the accommodation will, in fact, cause an undue hardship. The terms of a collective bargaining agreement may be relevant in determining whether an

accommodation would impose an undue hardship.

Some of the factors that must be considered in determining if an accommodation would impose an undue hardship are:

- the nature and net cost of the accommodation needed;
- the overall financial resources of the company;
- the type of operation, including the composition, structure and functions of the company's workforce;
- the impact of providing the accommodation on the operation of the program or facility, including the ability of other employees to perform the duties, the effect on the position and other employees; and
- the impact on the program or facility's ability to conduct business.

The employer must determine on a case-by-case basis whether an accommodation constitutes an undue hardship. This means that no one factor, such as cost, size or location of a particular facility, or any single combination of factors, can always be the standard by which undue hardship is measured.

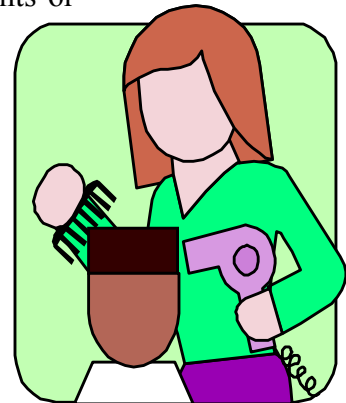
Any accommodation that would pose a significant health or safety risk to the employee or to anyone else is not a reasonable accommodation.

The employer is not required to make an entire existing facility barrier-free if a work location can be changed to accommodate an employee with a disability in all areas where access is required.

Restructuring a job to accommodate an individual with a disability may create a heavier workload for other employees, and may constitute an undue hardship. But if other employees complain because an individual with a disability is given a reasonable accommodation, complaints or other negative reactions from co-workers would not constitute an undue hardship.

## **TYPES OF REASONABLE ACCOMMODATION**

There are as many types of reasonable accommodation as there are persons with disabilities. Every accommodation requires an individual assessment. A reasonable accommodation must take into consideration (1) the specific abilities and functional limitations of a particular applicant or employee with a disability, and (2) the specific functional requirements of a particular job.



**Job restructuring** or job modification is a form of reasonable accommodation that enables many qualified individuals with disabilities to perform jobs effectively. Job restructuring as a reasonable accommodation may involve reallocating or redistributing the marginal functions of a job. However, an employer is not required to reallocate essential functions of a job as a reasonable accommodation. Essential functions, by definition, are those that a qualified individual must perform, with or without an accommodation.

**Example:** Inspection of identification cards is generally an essential function of the job of a security job. If a person with a visual impairment could not verify the identification of an individual using the photo and other information on the card, the employer would not be required to transfer this function to another employee as a reasonable accommodation.

**Modification of a regular work schedule** should also be considered as a reasonable accommodation unless this would cause an undue hardship. Modified work schedules may include flexibility in work hours or the workweek, or part-time work. Many people with disabilities are fully qualified to perform jobs with the reasonable accommodation of a modified work schedule.

**Example:** An accountant with a mental disability required two hours off, twice weekly, for sessions with a psychiatrist. He was permitted to take longer lunch breaks and to make up the time by working later on those days.

**Purchase of equipment or modifications to existing equipment** may be effective accommodations for people with many types of disabilities.

There are many devices that make it possible for people to overcome existing barriers in performing essential functions of a job. These devices range from very simple solutions, such as an elastic band that can enable a person with cerebral palsy to hold a pencil and write, to “high-tech” electronic equipment that can be operated with eye or head movements by people who cannot use their hands.

There are also many ways to modify standard equipment so as to enable people with different functional abilities to perform jobs effectively and safely.

**Example:** Telephone amplifiers are useful for people who are hard of hearing, or message pagers for deaf employees.



**Reassignment** as an accommodation should be considered only when another type of accommodation is not possible in an employee’s present job, or when an accommodation in the employee’s present job would cause an undue hardship.

Consideration of reassignment is required only for existing employees. An employer is not required to consider a different position for a job applicant if she or he is not able to perform the essential functions of the position she or he is applying for, with or without reasonable accommodation.

Reassignment should be made to a position equivalent to the one presently held in terms of pay and other job status, if the individual is qualified for the position and if such a position is vacant or will be vacant within a reasonable amount of time.

**Example:** If there is no vacant position available at the time that an individual with a disability requires a reassignment, but the employer knows that an equivalent position for which this person is qualified will become vacant within one or two weeks, the employer should reassign the individual to the position when it becomes available.

**Adjustments or modifications in the ways that tests and training are administered** or revisions to other employment policies and practices also may be required.



- Tests and examinations. Reasonable accommodations may be needed to assure that tests or examinations measure the actual ability of an individual to perform job functions, rather than reflecting limitations caused by the disability. The employer is only required to provide a reasonable accommodation for a test if the individual with a disability requests such an accommodation. However, the employer has an obligation to inform job applicants, in advance, that a test will be given, so that an accommodation can be requested.
- Training. Reasonable accommodation should be provided, when needed, to give employees with disabilities equal opportunity for training to perform their jobs effectively and to progress in employment.

**Examples** may include providing accessible training sites, or providing training materials in alternate formats to accommodate a disability.

**TECHNICAL ASSISTANCE AVAILABLE**

There are many sources of technical assistance to help employers make effective accommodations for people with different disabilities in various job situations. Many of these resources are available without cost. For more information contact:

**Disability and Communication Access Board (DCAB)**, (808) 586-8121 (V/TTY);  
<[www.state.hi.us/health/cpd/index.html](http://www.state.hi.us/health/cpd/index.html)>.

**Job Accommodation Network (JAN)**, (800) 526-7235 (V/TTY);  
<[janweb.icdi.wvu.edu/english/homeus.htm](http://janweb.icdi.wvu.edu/english/homeus.htm)>

**Equal Employment Opportunity Commission (EEOC)**, (808) 541-3120 (V), (808) 541-3131 (TTY), <[www.eeoc.gov](http://www.eeoc.gov)>



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